

## REMARKS

In the action dated February 19, 2004 having a shortened statutory period set to expire May 19, 2004, the Examiner has objected to the drawings. Specifically, the Examiner objects to Figure 6, believing that Figure 6 has “no key” and it is thus unclear in the Examiner’s mind which data line corresponds to which apparatus. Applicant does not understand the Examiner’s objection and notes that the description of Figure 6 contained in the present specification at page 15, lines 5 *et seq.* describes Figure 6 and notes that the moment of inertia corresponding to the direction of excitation denoted at reference numeral (v) in Figure 7 differs in each of four cases which are illustrated in Figure 6. The first case illustrated in Figure 6 is designated utilizing reference numeral (vi) and the specification describes that case as being the case where the head assembly is positioned at the inner edge of the recording disk. The case where the head assembly is positioned at the outer edge of the disk is denoted by reference numeral (vii), where the head assembly 13 positioned at the inner edge of the recording disk is denoted at reference numeral (viii) and the case where the head assembly is positioned at the outer edge is denoted by reference numeral (ix). 37 C.F.R. § 1.84 (p) notes that reference characters must be plain and legible and, in the absence of a further objection from the Examiner, the Applicant urges that Figure 6 indeed includes reference numerals which correspond to the description in the specification and it is respectfully urged that Examiner’s objection to Figure 6 be withdrawn.

Applicant has carefully considered the Examiner’s request that Figures 7 be designated by a legend such as “Prior Art” and, the Applicant has submitted herewith a proposed drawing correction including such a legend. Upon approval by the Examiner of the proposed drawing correction, corrected drawings will be submitted.

Next, the Examiner has rejected claims 1-3 and 7-10 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Specifically, the Examiner notes that claim 1 recites the limitation “the shape of the pivot member in a plane orthogonal to its central axis of rotation is asymmetrical” in the last 2 lines and the Examiner believes this recitation is misdescriptive of the specification noting Figure 3(b). Applicant respectfully urges the Examiner to consider that as depicted in Figure 3(b) the

flange section 21 of the pivot assembly is illustrated as rotating about shaft 22. Thus, a plane which is orthogonal to the central axis of rotation is the plane which lies on the surface of the paper upon which Figure 3(b) is depicted. As planar sections 41A and 41B are noticeably different, Applicant urges the Examiner to consider that the pivot member is indeed asymmetrical in the plane which is orthogonal to its central axis of rotation about shaft 22. The Examiner's objection to claim 1 with respect to U.S.C. § 112, second paragraph is therefore not believed to be well-founded and Applicant respectfully requests withdrawal of the objection.

Next, the Examiner notes that claim 7 recites the limitation "a center of gravity" at line 13 thereof and the Examiner believes it is unclear whether this limitation refers to a center of gravity of the flange, a center of gravity of the sleeve, a center of gravity of the pivot member, or a center of gravity of some other part. Based upon a careful consideration of the Examiner's comment, claim 7 has been amended to expressly recite the "the location of a center of gravity of the flange section in a plane orthogonal..." and the Examiner's objection to claim 7 is therefore believed to be overcome.

The Examiner urges that claim 8 is indefinite for the reasons set forth above with respect to the Examiner's position on claim 1 and for the reasons set forth above in defense of claim 1, Applicant urges that this rejection is not well-founded and its withdrawal is respectfully requested.

Claims 2-3 and 9-10 are rejected by the Examiner as indefinite by virtue of their dependency and for the reasons set forth above with respect to claims 1 and 8 and in view of the amendment to claim 7, Applicant urges that these claims are no longer indefinite and withdrawal of this rejection is respectfully requested.

Next, the Examiner has rejected claims 1-3, 4, 7-8, 11-12 under 35 U.S.C § 102(e) as being anticipated by *Macpherson et al.*, U.S. Patent Application Publication No. 2003/0076633 A1. That rejection is respectfully traversed. As set forth within claim 1, as an exemplar of the claims of this group, the disc drive apparatus described recites a head assembly which is attached to a housing via a pivot member so as to be able to pivot. Thereafter, the shape of the pivot member is expressly described as being asymmetrical in a plane orthogonal to the central axis of rotation of that pivot member. Applicant respectfully urges the Examiner to consider that it is

not the head assembly which is described as asymmetrical in that plane, but rather the pivot member which is asymmetrical in the plane orthogonal to its central axis of rotation. Thus, the provision fastener 150 in a flange which extends from the arm/head assemblies of the disc drive depicted therein, cannot, in the opinion of the Applicant, anticipate, show or suggest an asymmetrical pivot member as expressly set forth within the claims of the present application. *Macpherson et al.* describes and teaches a cartridge bearing assembly 114 about which the arm and head assemblies pivot. It is clear, upon a rudimentary examination of the disclosure *Macpherson et al.* that cartridge-bearing assembly 114 and its head flange 152 are indeed symmetrical in the plane which is orthogonal to its axis of rotation and Applicant therefore respectfully urges that *Macpherson et al.* is inappropriate as a reference against the claims of the present application.

It should be noted that Applicant is not claiming asymmetry in general but rather, specifically, an asymmetrical pivot member which is utilized to attach a head assembly to a housing and which may be utilized for balance adjustment when manufactured in accordance with a teaching of the present application. Consequently, Applicant urges withdrawal of the Examiner's rejection of claims 1-3, 4, 7-8 and 11-12 over this reference as it is not believed that rejection is well-founded.

The Examiner has also rejected claims 5-6 and 9 under 35 U.S.C § 103(a) as being unpatentable over *Macpherson et al.* and further in view of *Jeirapipatanakul et al.*, U.S. Patent No. 6,288,867. That rejection is respectfully traversed. For the reasons noted above, Applicant urges that *Macpherson et al.* fails to show or suggest an asymmetrical pivot member as set forth expressly within the independent claims of the present application, and the asymmetrical counter balance disc spacer described in *Jeirapipatanakul et al.* is utilized to counter balance a mass offset in the disc stack assembly and cannot be said to be suggestive of an asymmetrical pivot member which is utilized to pivotally mount a head assembly to a housing, as expressly set forth within the claims of the present application.

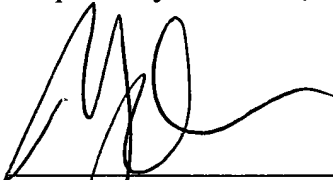
Once again, Applicant urges that the claims in the present application are not directed to as asymmetry *per se*, but rather a specific asymmetrical pivot member utilized to pivotally mount a head assembly to a housing in a disc drive apparatus and that these references, whether

they are considered alone or in combination, can be said to show or suggest an asymmetrical pivot member as set forth within the claims of the present application. Consequently, Applicant urges that claims 1-12 define a patentable subject matter and withdrawal of all rejections and passage of this application to issue is therefore respectfully requested.

Applicant notes with appreciation the Examiner's indicated allowability of claim 10; however, for the reasons set forth herein, Applicant urges that claims 1-12 all define patentable subject matter over these combination of references and passage of this application to issue is respectfully requested.

No extension of time is believed to be required. However, in the event that an extension of time is required, please charge that extension fee and any other required fees to **IBM Corporation Deposit Account Number 09-0446**.

Respectfully submitted,



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Andrew J. Dillon  
*Reg. No. 29,634*  
DILLON & YUDELL LLP  
8911 North Capital of Texas Highway  
Suite 2110  
Austin, Texas 78759  
Telephone 512-343-6116  
Facsimile 512-343-6446

ATTORNEY FOR APPLICANTS



(PROPOSED DRAWING CORRECTION)

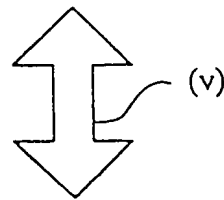
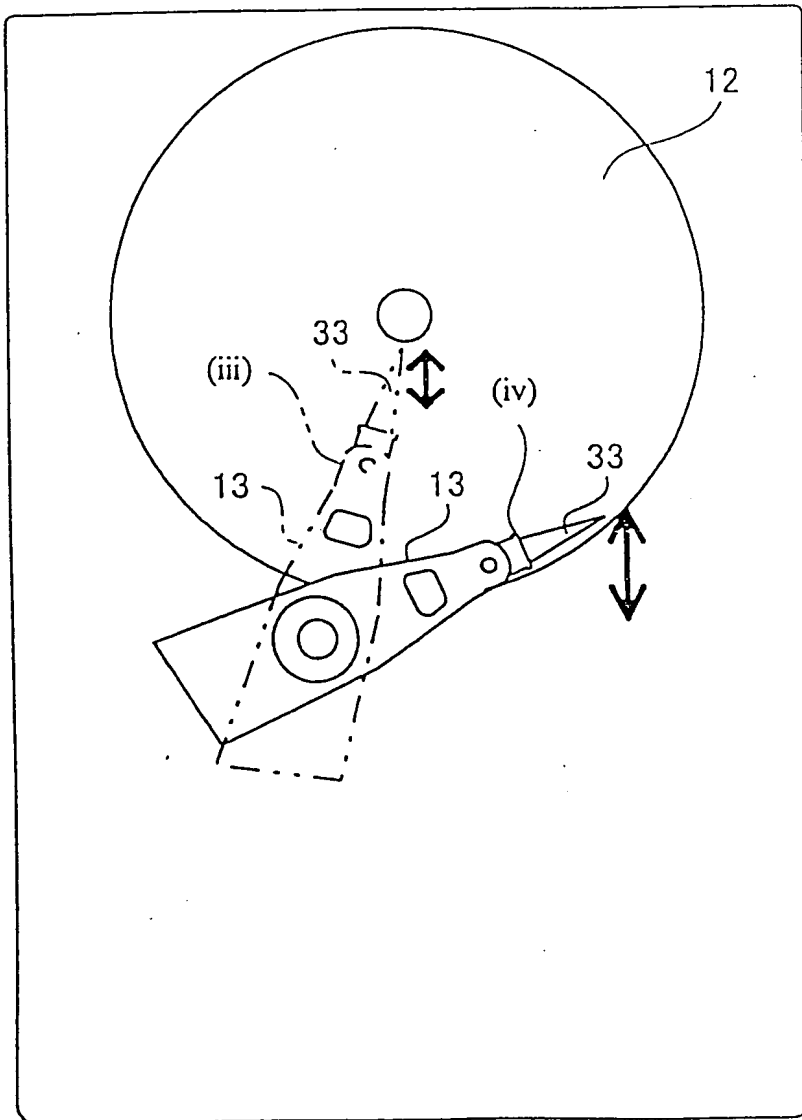
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Figure 7]

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PRIOR ART

approved  
*[Signature]*  
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